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Freedom in the World 2011 - China

Capital: Beijing

Population: 1,331,398,000

Political Rights Score: 7 *

Civil Liberties Score: 6 *

Status: Not Free

Explanatory Note

The numerical ratings and status listed above do not reflect conditions in Hong Kong or Tibet, which are examined in separate reports.

Overview

The ruling Chinese Communist Party continued in 2010 to suppress dissent and strengthen its security apparatus while neglecting institutional reforms that would address the root causes of citizens' grievances. During the year, internet censorship and forced evictions increased; judicial procedures in commercial cases showed signs of political intervention; leading human rights lawyers were harassed, disbarred, and "disappeared"; and new regulations made it more difficult for civil society groups to obtain funding from overseas donors. While China's activist community was encouraged by the decision to grant the 2010 Nobel Peace Prize to jailed democracy advocate Liu Xiaobo, the Chinese government responded with a crackdown on Liu's associates and widespread censorship of related news. Despite the repressive atmosphere, many citizens continued to defy government hostility and assert their rights to free expression and association.

The Chinese Communist Party (CCP) took power in mainland China in 1949. Party leader Mao Zedong subsequently oversaw devastating mass-mobilization campaigns, such as the Great Leap Forward (1958-61) and the Cultural Revolution (1966-76), which resulted in tens of millions of deaths. Following Mao's death in 1976, Deng Xiaoping emerged as paramount leader. Over the next two decades, he maintained the CCP's absolute rule in the political sphere while initiating limited market-based reforms to stimulate the economy.

The CCP signaled its resolve to avoid democratization with the deadly 1989 assault on prodemocracy protesters in Beijing's Tiananmen Square and surrounding areas. Following the crackdown, Jiang Zemin replaced Zhao Ziyang as general secretary of the party. Jiang was named state president in 1993 and became China's top leader following Deng's death in 1997. He continued Deng's policy of rapid economic growth, recognizing that regime legitimacy now rested largely on the CCP's ability to boost living standards. In the political sphere, Jiang maintained a hard line.

Hu Jintao succeeded Jiang as CCP general secretary in 2002, state president in 2003, and head of the military in 2004. Many observers expected Hu and Premier Wen Jiabao to implement modest political reforms to address pressing socioeconomic problems, including a rising income gap, unemployment, the lack of a social safety net, environmental degradation, and corruption. However, while it proved moderately more responsive to certain constituencies – especially the urban middle class – the government continued to exercise tight control over key institutions and intensified repression of perceived threats to the CCP's authority.

In March 2008, the National People's Congress bestowed additional five-year terms on Hu and Wen, while Shanghai party boss Xi Jinping was appointed vice president, setting the stage for him to succeed Hu in 2012. Xi's position as heir apparent was reinforced in October 2010, when he was appointed as deputy chair of the Central Military Commission. Intraparty power struggles

related to the upcoming 2012 leadership transition appeared to strengthen hard-liners, contributing to a trend of heightened political repression that had begun in 2008.

In October 2010, jailed democracy advocate Liu Xiaobo was awarded the Nobel Peace Prize; he was the first Chinese citizen to receive it. In response, the government engaged in systematic censorship to prevent news of the prize and Liu's activities from circulating inside China. It also harassed and detained dozens of other activists, and refused to allow anyone to travel to the Oslo award ceremony in December to accept the prize on his behalf.

Growing anger over corruption, abuse of power, and injustice fueled tens of thousands of protests during the year, particularly in rural areas. The CCP committed more resources to internal security forces and intelligence agencies, and continued to tighten political control over the judiciary, expand the use of surveillance equipment, and employ a network of extralegal taskforces to coordinate the suppression of grassroots discontent. Conditions in Tibet and Xinjiang, both home to restive ethnic and religious minorities, remained highly repressive in 2010.

Despite government hostility, a growing nonprofit sector provided crucial social services and increased citizens' rights awareness. In addition, bloggers, journalists, legal professionals, workers, and religious believers tested the limits of permissible activity, sometimes effectively asserting the rights to free expression and association. Citizens managed to challenge local-level abuses of power, obtain higher wages, and force the government to acknowledge certain rights violations, like the extralegal detention of petitioners. According to reports by activists and references on official websites, banned political texts continued to circulate, especially online.

The Chinese government showed a growing penchant for strong-arm tactics in its international relations in 2010. Among other actions, it engaged in maritime confrontations near disputed island groups, and used threats of economic retaliation to dissuade foreign governments from participating in the Nobel Peace Prize award ceremony. Relations between China and Taiwan continued to thaw, however, and the two governments signed an Economic Cooperation Framework Agreement aimed at reducing trade barriers.

Political Rights and Civil Liberties

China is not an electoral democracy. The CCP has a monopoly on political power, and its nine-member Politburo Standing Committee sets government policy. Party members hold almost all top posts in the government, military, and internal security services, as well as in many economic entities and social organizations. The 3,000-member National People's Congress (NPC), which is elected for five-year terms by subnational congresses, formally elects the state president for up to two five-year terms, and confirms the premier after he is nominated by the president. However, the NPC is a largely symbolic body, meeting for just two weeks a year to approve proposed legislation. The country's only competitive elections are for village committees and urban residency councils, which hold limited authority and are generally subordinate to the local CCP committees. The nomination of candidates remains tightly controlled, and many of these elections have been marred by fraud, violence, corruption, and attacks on independent candidates.

Opposition groups like the China Democracy Party (CDP) are suppressed, and members are imprisoned. Democracy advocate and 2010 Nobel Peace Prize winner Liu Xiaobo was sentenced in December 2009 to 11 years in prison for his involvement in drafting and circulating the prodemocracy manifesto Charter 08. Over 100 other individuals associated with Liu were harassed or detained in 2010 after his Nobel award was announced. In October, the U.S. Congressional-Executive Commission on China published a partial list of over 1,400 political prisoners, while the San Francisco-based Dui Hua Foundation estimated that 985 new arrests for "endangering state security" were made in 2010. Tens of thousands of people are thought to be held in extrajudicial forms of detention for their political or religious views.

Corruption remains endemic despite increased government antigraft efforts, generating growing public resentment. The problem is most acute in sectors with extensive state involvement, such as construction, land procurement, and banking. There is no independent anticorruption agency, but according to official figures, at least 113,000 officials were investigated and punished by government or CCP entities in 2010. However, prosecution is selective, with informal personal networks and internal CCP power struggles influencing the choice of targets. In May 2010, Huang Guangyu, formerly China's richest man, was sentenced to 14 years in prison for bribery. A series of other cases in 2010 exposed local officials or their children who committed homicides or caused fatalities while driving drunk, then sought to use their privileged position to escape punishment.

CCP officials increasingly seek input from academics and civic groups on pending legislation, though without relinquishing control over the decision-making process. New open-government regulations took effect in 2008, but implementation has been incomplete. Some agencies and local governments have been more forthcoming in publishing accounting details or official regulations; in 2010, authorities in Guangdong published the previously secret provincial budget and expenditures for 2009. However, courts have hesitated to enforce citizens' information requests. Local officials continued to hide vital information on topics including mining disasters, tainted food products, and polluting companies. China was ranked 78 out of 178 countries surveyed in Transparency International's 2010 Corruption Perceptions Index.

Despite relative freedom in private discussion and journalists' efforts to push the limits of permissible speech, China's media environment remains extremely restrictive. Routinely taboo topics include calls for greater autonomy in Tibet and Xinjiang, relations with Taiwan, the persecuted Falun Gong spiritual group, and any criticism of CCP leaders. Specific party directives in 2010 curbed reporting on the Nobel Peace Prize, public health issues, environmental accidents, tainted food, foreign policy, and other matters. Journalists who fail to comply with official guidance are harassed, fired, or jailed. In 2010, investigative journalists also faced punishment by powerful economic actors, who used connections with local authorities to prompt police intervention on their behalf. Growing violence against journalists is often met with little or no official investigation. This trend culminated with the brutal killing of Sun Hongjie, a reporter from the *Northern Xinjiang Morning Post*, in December; he had recently reported on the demolition of a factory to make way for government officials' housing, but police claimed the murder was unrelated to his work.

According to international watchdog groups, China tied with Iran in 2010 for the largest number of jailed journalists; the 34 identified were mostly freelancers. In addition, at least 70 cyberdissidents remained imprisoned at year's end for disseminating proscribed information, though the actual number is likely much higher. Throughout the year, particularly harsh punishments were meted out to Uighurs who hosted websites or otherwise circulated information that was critical of the government regarding ethnic violence in Xinjiang in July 2009. In April 2010, two individuals were sentenced to life in prison after a secret trial for translating and posting to the Uighur website Salkin information about a peaceful protest that had preceded the violent outbreak. In July, Uighur webmaster Gheyat Niyaz was sentenced to 15 years in prison for comments made to a Hong Kong media outlet.

Local officials continue to block, harass, and sometimes assault foreign reporters while intimidating their Chinese sources and assistants. In March 2010, numerous foreign correspondents had their e-mail accounts hacked, and the website of the Foreign Correspondents' Club of China was disabled by a denial-of-service attack shortly thereafter. In July, two Polish journalists were denied visas, apparently as punishment for previous reporting that was critical of the Chinese government. Some international radio and television broadcasts, including the U.S. government-funded Radio Free Asia, remain jammed. Foreign outlets including CNN experienced periodic blackouts in 2010 when they reported on Liu Xiaobo's Nobel Peace Prize or certain content of U.S. diplomatic cables released by the antisecrecy group WikiLeaks.

The population of internet users in China remained the world's largest, reaching 450 million by December 2010, according to official figures. However, the government maintains an elaborate apparatus for censoring and monitoring internet use and personal communications, including via mobile telephones. The authorities block websites or force deletion of content they deem politically threatening and detain those who post the information. In early 2010, the U.S.-based search-engine company Google announced that it was no longer willing to censor the search results on its China version according to CCP instructions, and began redirecting China-based users to its uncensored Hong Kong site instead. In November, activist Cheng Jianping was sentenced without trial to one year in a "re-education through labor" camp in Henan province for sending a message over the banned microblogging platform Twitter in which she jokingly suggested that anti-Japanese nationalists attack the Japanese Pavilion at the Shanghai World Expo. Also during the year, authorities systematically blocked international social-networking and microblogging sites, amended the state secrets law to reinforce service providers' responsibility for policing content, increased restrictions on anonymous communication, and cut off the personal internet and mobile-phone connections of dozens of activists at the time of the Nobel Peace Prize award ceremony. Despite the government's controls, factors including the technology's flexibility, circumvention tools, and the large volume of online communications have allowed many users to access censored content, expose official corruption, mobilize protests, and circulate banned political texts.

The number of religious believers, including Christians, has expanded in recent years. Nevertheless, religious freedom is sharply curtailed, and religious minorities remained a key target of repression during 2010. All religious groups are required to register with the government, which regulates their activities and guides their theology. Some groups, such as Falun Gong and certain Buddhist and Christian organizations, are formally banned, and their members face harassment, imprisonment, and torture. Other unregistered groups, such as unofficial Protestant and Roman Catholic congregations, operate in a legal gray zone, and state tolerance of them varies from place to place. Unregistered Buddhist temples were targeted for demolition during the year. Signs of a potential escalation in the persecution of Christians emerged towards the end of 2010. Prominent Christian activist Fan Yafeng was detained in December, and remained in custody at year's end. Surveillance of Falun Gong practitioners in Shanghai increased in advance of the World Expo and dozens of adherents were reportedly detained, with some sentenced to labor camps and prisons. According to Amnesty International, Guo Xiaojun, a former lecturer at Jiaotong University in Shanghai, was taken from his home in January and later sentenced to four years in prison for possessing and distributing Falun Gong-related materials. In early 2010, the CCP also launched a three-year nationwide campaign to intensify efforts to "transform" Falun Gong adherents, a coercive process typically involving physical and psychological torture aimed at forcing them to renounce their beliefs.

Academic freedom remains restricted with respect to politically sensitive issues. The CCP controls the appointment of university officials, and many scholars practice self-censorship to

preserve their positions and personal safety. Restrictions on scholars' ability to travel abroad increased in 2010. Political indoctrination is a required component of the curriculum at all levels of education.

Freedoms of assembly and association are severely restricted. Local officials face penalties if they fail to limit the flow of petitioners traveling to Beijing to report injustices to the central government. As a result, petitioners are routinely intercepted, harassed, detained in illegal "black jails," or sent to labor camps. Detained petitioners are reportedly subject to beatings, psychological abuse, and sexual violence. In September 2010, private security firm Anyuanding was found to have been hired by local governments to abduct petitioners and return them to their home localities. After the scandal was reported in the media, several Anyuanding executives were detained and faced criminal charges. Despite such repression, workers, farmers, and others held tens of thousands of protests during the year, reflecting growing public anger over wrongdoing by officials, especially regarding land confiscation, corruption, pollution, and fatal police beatings. Security forces and hired thugs often use excessive force to put down demonstrations. In several instances during 2010, this drove protesters to violently attack symbols of authority, such as police cars and government buildings. In January 2010, thugs armed with machetes and sticks reportedly attacked villagers in Jiangsu who had complained of land grabs, killing a 22-year-old resident. Thousands took to the streets the next day to protest the death, sparking beatings by riot police. In other cases, officials tolerated demonstrations as an outlet for pent-up frustration, or agreed to protesters' demands.

Nongovernmental organizations (NGOs) are required to register and follow strict regulations, including vague prohibitions on advocating non-CCP rule, "damaging national unity," or "upsetting ethnic harmony." Many groups seeking more independence organize informally or register as businesses, though they are vulnerable to closure at any time. While the number of organizations whose work is not politically sensitive continues to expand, restrictions have tightened on those engaged in human rights advocacy or previously tolerated activism on issues like public health. In 2010, the authorities increased harassment of Aizhixing, a Beijing-based group known for its work with HIV/AIDS patients, leading founder Wan Yanhai to flee to the United States in May. A new set of regulations that came into force in March increased the obstacles for grassroots Chinese NGOs to receive donations from abroad, prompting concern that some would be forced to shut down.

The only legal labor union is the government-controlled All-China Federation of Trade Unions. Collective bargaining is legal but does not occur in practice, and independent labor leaders are harassed and jailed. Nevertheless, workers have increasingly asserted themselves informally via strikes, collective petitioning, and selection of negotiating representatives. In 2010, workers staged a series of strikes to demand higher wages, primarily at the plants of foreign companies. The strikers made use of social-networking technology and sought help from legal experts. Following the strike actions, provincial governments across the country raised minimum wages. Three labor laws that took effect in 2008 were designed to protect workers, counter discrimination, and facilitate complaints against employers, while also empowering CCP-controlled unions. However, implementation has been undermined by the lack of independent arbitration bodies, a growing backlog of complaints, and the authorities' increased use of informal channels of negotiation. Dangerous workplace conditions continue to claim lives. The official number of workplace accidents during 2010 declined compared with 2008 figures, but the death toll for the year was still high at 79,552. Forced labor, including by inmates in "reeducation through labor" camps and juveniles in government-sanctioned "work-study" programs, remains a serious problem.

The CCP controls the judiciary and directs verdicts and sentences, particularly in politically sensitive cases. Judicial autonomy is greater in commercial litigation and civil suits involving private individuals. However, in 2010, there were several high-profile convictions of people who had obtained seemingly ordinary commercial information related to state-owned enterprises, but were imprisoned for mishandling "state secrets." An annual survey by the American Chamber of Commerce found for the first time that "inconsistent interpretation and application of laws" was the top challenge cited by members. A CCP veteran with no formal legal training was appointed as chief justice in 2008, and he subsequently issued a doctrine emphasizing the "Supremacy of the Cause of the Party" over the law. Multiple observers have noted that previous minor progress toward the rule of law has since stalled or been reversed.

In 2010, the government continued its crackdown on civil rights lawyers, law firms, and NGOs offering legal services. In March, Beijing University cut its ties with the Center for Women's Law Studies and Legal Services, a prominent women's rights advocacy group and public interest law organization. In April, Beijing lawyers Tang Jitian and Liu Wei were permanently disbarred after they represented a Falun Gong practitioner and challenged the basis of the CCP's campaign against the group. Their punishment was a step up from the practice in recent years of temporarily disbarring human rights lawyers by rejecting their annual license renewals. Prominent lawyer Gao Zhisheng remained "disappeared" and at severe risk of torture following his abduction by security forces in 2009. In September 2010, self-trained lawyer Chen Guangcheng was released from serving a four-year prison term for helping victims of forced abortions to file a class-action suit; he remained under tight surveillance following his release.

Despite recent criminal procedure reforms, trials – which often amount to mere sentencing announcements – are frequently closed to the public. Torture remains widespread, coerced confessions are routinely admitted as evidence, and there is impunity for suspicious deaths in custody, prompting a growing public outcry in 2010. In response, judicial authorities in May

released a new set of guidelines that prohibit the use of evidence obtained from torture to convict defendants; the extent of their implementation remained unclear at year's end, but credible cases of severe torture continued to be reported. Endemic corruption exacerbates the lack of due process. Many suspects are deprived of court hearings altogether, detained instead by bureaucratic fiat in "reeducation through labor" camps. A 2009 study by the Chinese Human Rights Defenders group found that in addition to petty thieves and drug addicts, Falun Gong practitioners, Christians, and petitioners constituted a significant percentage of those incarcerated in the camps. The use of various forms of extralegal detention has increased in recent years, including secret jails and psychiatric arrest of petitioners and dissidents. Overall, detention facilities are estimated to hold a total of three to five million people. Conditions are generally harsh, with reports of inadequate food, regular beatings, and deprivation of medical care; the government generally does not permit visits by independent monitoring groups.

Some 68 crimes, including nonviolent offenses, carry the death penalty. Legislative amendments proposed in August 2010 would reduce the number of capital crimes to 55, but the changes had not been adopted at year's end. The number of executions is a state secret but was thought to be close to 5,000 in 2009. Recent reforms requiring the Supreme People's Court to review capital cases have reportedly led to a modest reduction in executions. In 2009, state-run media reported that executed prisoners "provide the major source of [organ] transplants in China." Some experts have also raised concerns over the possible use of those imprisoned for their religious beliefs or ethnic identity as sources for organs.

Security forces work closely with the CCP at all levels. During 2010, the CCP continued to expand its network of extralegal "stability maintenance" offices, including at the neighborhood level and in some enterprises. These agencies are tasked with maintaining the party's monopoly on political power, including by suppressing the peaceful exercise of basic civil liberties. One study by scholars at Tsinghua University estimated that the government had spent 514 billion yuan (US\$80 billion) in 2010 on "stability maintenance," nearly equivalent to the country's military budget.

In the Xinjiang Uighur Autonomous Region, tightened restrictions that followed violent clashes between Uighurs and members of China's ethnic Han majority in July 2009 remained in place for much of 2010. In the 2009 unrest, police forcibly suppressed a peaceful demonstration in Urumqi by Uighurs seeking justice for Uighur factory workers killed in a brawl with Han employees in southern China. The violent police action sparked clashes between Uighurs and Han residents, and state-run media reported that 197 people were killed, though state censorship and intimidation of witnesses made it difficult to verify such figures. Xinjiang's internet access and international telephone service remained at least partially severed until May 2010, and the number of police and surveillance cameras in the region increased. The crackdown following the clashes included large-scale "disappearances," imprisonment, and executions of Uighurs. Existing political indoctrination programs, curbs on Muslim religious practice, policies marginalizing use of the Uighur language in education, and government efforts to alter the region's demography continued throughout 2010, and in some instances grew worse.

Minorities, the disabled, and people with HIV/AIDS or Hepatitis B face severe societal discrimination. A hukou (household registration) system remains in place, mostly affecting China's 150 million internal migrants. Some local governments have experimented with reforms to allow greater mobility, but citizens continue to face restrictions on changing employer or residence, and many migrants are unable to fully access social services, such as education for their children. In March 2010, a group of 13 newspapers published a joint editorial criticizing the hukou system as corrupt and calling for urgent reforms. The article was deleted from websites within days, and one of the editors involved was forced to resign. Among other restrictions on freedom of movement, dissidents, scholars, and human rights defenders are prevented from traveling abroad or placed under house arrest, particularly at politically sensitive times. Law enforcement agencies continue to seek out and repatriate North Korean refugees, who face imprisonment or execution upon return.

Property-rights protection remains weak in practice, and all land is formally owned by the state. Tens of thousands of forced evictions and illegal land confiscations occurred in 2010, increasing in scale and violence compared with the previous year. Local officials and developers were attempting to take advantage of weaker protections before the anticipated promulgation of implementing regulations for property-rights legislation passed in 2007. Confiscated land was generally used for private development, state-led infrastructure projects, or international events such as the World Expo in Shanghai. Residents who resist eviction, seek legal redress, or organize protests face violence at the hands of local police or hired thugs. Reforms to rural land-use rules announced at the end of 2008 remained on hold in 2010.

China's policy of restricting population growth remains in place. In urban areas, only one child per couple is permitted, while many rural families are limited to two children. Although compulsory abortion and sterilization by local officials are less common than in the past, they still occur fairly frequently. According to the Congressional-Executive Commission on China, regulations in 18 of 31 provincial-level administrative units explicitly endorse mandatory abortions as an instrument for enforcing population-control policies. Officials who fail to meet birth and sterilization quotas risk disciplinary action, and relatives of unsterilized women or couples with unapproved pregnancies were subjected to high fines, job dismissal, and detention in special "study sessions" in 2010. These controls and a cultural preference for sons have led to sex-selective abortion and a general shortage of females, exacerbating the problem of human trafficking.

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Domestic violence and sexual harassment affect one-third of Chinese families, according to statistics published in 2008 by the CCP-controlled All-China Women's Federation. The government has taken steps in recent years to improve the legal framework related to violence against women, but implementation remains weak. Although several laws prohibit gender discrimination in the workplace, a survey of college graduates published by the China University of Political Science and Law in July 2010 found that nearly 70 percent of the employers encountered by respondents had specific gender requirements.

** Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom.*

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